

1 ROBERT A. DOTSON
Nevada State Bar No. 5285
2 DOTSON LAW
One East First Street
3 City Hall Tower, Ste. 1600
Reno, Nevada 89501
4 Tel: (775) 501-9400
5 Email: rdotson@dotsonlaw.legal

6 BRIAN D. CHENOWETH, *pro hac vice*
SANDRA S GUSTITUS, *pro hac vice*
7 CHENOWETH LAW GROUP PC
510 SW 5th Ave 5th Fl.
8 Portland, OR 97204
Tel: (503) 221-7958
9 Fax: (503) 221-2182
10 Email: brian@northwestlaw.com
sgustitus@northwestlaw.com

11 *Attorneys for Defendants*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14
15 USSC HOLDINGS CORP., a Nevada
corporation, MUSIC CITY FIRE CO., a Nevada
16 corporation, ROBERT J. BUCKLEY, an
individual, and STEVE PALADINO, an
17 individual,

Plaintiffs,

18 vs.

19
20 TK PRODUCTS, LLC, an Oregon limited
liability company, KURT O. BAUER, an
21 individual, TRENT C. FARRER, an individual,

22 Defendants.
23

Case No.: 3:16-cv-00398-RCJ-WGC

DECLARATION OF SANDRA S.
GUSTITUS (Jan. 6, 2017)

24 I, Sandra S. Gustitus, hereby declare as follows:

25 1. I am over the age of 18 and competent to testify in this declaration. If called to testify
26 at trial, I could give the testimony below.
27
28

CHENOWETH / LAW GROUP PC

November 15, 2016

Custodian of Records of Livespark, Inc.
c/o Nevada Legal Forms & Tax Services, Inc.,
3901 W. Charleston Blvd.
Las Vegas, NV 89102

Re: *USSC Holdings v. TK Products, LLC*
Our File No. 2102-001

Greetings:

My office represents TK Products, LLC, Kurt Bauer, and Trent Farrer in the above-captioned lawsuit. On behalf of our client, our co-counsel, Rob Dotson, had Livespark, Inc. ("Livespark") served with the attached *Subpoena to Testify at a Deposition in a Civil Action* on September 27, 2016. It was delivered to your registered agent at Nevada Legal Forms & Tax Services, Inc. Attached is the proof of service.

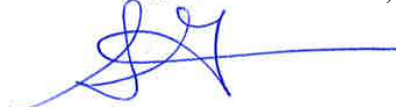
The subpoena commanded the appearance of the custodian of records for Livespark to appear on October 20, 2016 at 9am for a deposition, and to produce the records requested in the subpoena. Mr. Dotson called Brett Bond, at 415-613-3872, at approximately 2:45 on October 19, 2016, and left a voicemail regarding the next day's deposition. We received no response in advance of the deposition, set for the next day and we have received none since.

We appeared at the time and place set for the deposition, and no one on behalf of Livespark appeared at the deposition. Mr. Dotson went on the record with the court reporter to state Livespark did not appear. Attached is a transcript from that deposition. Using the information presented in this letter, we intend to file a motion for an order to show cause why Livespark should not be held in contempt of court for failure to obey the subpoena, a valid court order. A court can award sanctions against a party who is in contempt.

Your immediate attention to this matter is required, as we intend to prepare and file the motion, if we have not received a response from Livespark and agreement to comply with the subpoena within one week of the date of this letter.

Very truly yours,

CHENOWETH LAW GROUP, PC



Sandra S. Gustitus
sgustitus@northwestlaw.com

encl: as stated
ec. client

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

USSC HOLDINGS CORP., et al.

Plaintiff

v.

TK PRODUCTS, LLC, et al.

Defendant

Civil Action No. 3:16-cv-00398-RCJ-WGC

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Custodian of Records of Livespark, Inc.
 c/o Nevada Legal Forms & Tax Services, Inc., 3901 W Charleston Blvd. Las Vegas, NV 89102
 (Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Laxalt & Nomura, Ltd.
 6720 Via Austi Parkway, Ste 430
 Las Vegas, NV 89119

Date and Time:
 10/20/2016 9:00 am

The deposition will be recorded by this method: Stenographically

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 9/23/16
 CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants
 TK Products, LLC, Kurt O. Bauer and Trent C. Farrer, who issues or requests this subpoena, are:
 Robert Dotson, Dotson Law, 1 East 1st St., Ste 1600, Reno, NV 89501; (775) 501-9400; rdotson@dotsonlaw.legal

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT

WIT: Laxalt & Nomura

DATE: 10/20/16

GINA DILUZIO

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 3:16-cv-00398-RCJ-WGC

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows:

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person, and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena: Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an untrained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship, and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

EXHIBIT A

DEFINITIONS

A. “Communication” or “Communications” means any act or process of communicating, the imparting or interchange of thoughts, opinions or information by speech, writing, or signs, including telephone calls, text messages, emails, letters, voice messages, and other correspondence.

B. “Document” or “Documents” mean all writings, of any form, kind, character or description including, but not limited to: the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise; correspondence; letters; memoranda; notes; diaries; statistics; telegrams; emails; minutes; transcripts; contracts; agreements; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; books; manuals; prospecti; inter-office and intra-office communications; offers; notations of any sort of conversation, telephone calls, meetings or other communications; bulletins; pamphlets; circulars; printed matter; invoices; worksheets; pleadings; motions; legal memoranda; all drafts, alterations, modifications, changes, and amendments of any of the foregoing; questionnaires; opinions; statements; graphic and oral reproductions of any kind, including, without limitation, photographs, charts, microfilm, computer software, and electronic recordings, such as tapes, diskettes, or cassettes or any tangible thing, however produced or reproduced.

C. “Livespark” refers to “Livespark, Inc.” and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Livespark and its related business entities.

D. “Buckley” refers to “Robert Buckley” and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Robert Buckley and his related business entities.

E. "Paladino" refers to "Steve Paladino" and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Steve Paladino and his related business entities.

F. "Music City" refers to "Music City Fire Company" and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Music City and its related business entities.

G. "USSC" refers to "USSC Corp." and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of USSC and its related business entities.

H. "Related to" or "relating to" means directly, indirectly, or in any way concerning, referring to, alluding to, responding to, regarding, describing, explaining, discussing, reflecting, analyzing, or commenting upon.

I. "Sound-reactive products" refers to any product that uses sound-reactive technology, whether developed, created, drafted, complete, or incomplete.

DOCUMENTS REQUESTED

1. All documents related to any communications between Livespark and USSC.
2. All documents related to any communications between Livespark and Buckley.
3. All documents related to any communications between Livespark and Paladino.
4. All documents related to any communications between Livespark and Music City.
5. All documents related to any communications between Livespark and Geoff Foreman.
6. All documents related to Livespark's efforts to build, develop, market, or sell, as a retail consumer product, a fire pit that reacts to the sound of music.
7. All documents related to any payments Livespark received from Music City, Buckley, Paladino, or USSC.
8. All documents related to Livespark's business relationship with Music City,

Buckley, Paladino, or USSC, including but not limited to, any agreement (whether final agreement, draft, proposed agreement, or revised agreement).

9. All documents related to the distribution, sale, or gift by Livespark to distributors, retailers, customers, or resellers of sound-reactive products.

10. All documents related to any Defendant: Farrer, Bauer, or TK Products, LLC.

11. All documents related to any Plaintiff: USSC, Music City, Buckley, or Paladino.

DOTSON LAW
1 E 1ST ST, 16TH FLOOR
RENO, NV 89501
775-501-9400
Attorney for: Defendant

UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA

USSC HOLDINGS CORP., ET AL.

Plaintiff

TK PRODUCTS, LLC, ET AL.

Defendant

Case Number: **3:16-CV-00398-R**

(C) - WGC

PROOF OF SERVICE

Donald Edward Bradbury, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Monday September 26 2016; 1 copy(ies) of the:

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION; FEDERAL RULE OF CIVIL PROCEDURE; DECLARATION OF CUSTODIAN OF RECORDS; LETTER; \$44.86 WITNESS FEE CHECK

I served the same on Tuesday September 27 2016 at 02:00PM by:

Serving Witness LIVESPARK, INC., CUSTODIAN OF RECORDS, BY SERVING NEVADA LEGAL FORMS & TAX SERVICES, INC., REGISTERED AGENT

by serving: STEPHANIE CERVANTES, FRONT DESK ON BEHALF OF NEVADA LEGAL FORMS & TAX SERVICES, INC., REGISTERED AGENT PURSUANT TO NRS 14.020 at the Witness's Business located at 3901 W CHARLESTON BLVD, Las Vegas, NV 89102.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Wednesday September 28 2016

Donald Edward Bradbury
Affiant: Donald Edward Bradbury #R-065600
LEGAL WINGS, INC. - NV LIC #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638

EXHIBIT *2*
WIT *DR LIVESPARK*
DATE *10/26/16*
GINA DILUZIO

5019400.504528

Work Order



5019400.504528



b7.user 7

Assigned To: Donald Edward Bradbury

Received: 09/26/16 , Type of Service: **Normal** Special: No

Client: DOTSON LAW Client ID: 5019400

Attention: +MORGAN

Address 1: 1 E 1ST ST, 16TH FLOOR Phone: 775-501-9400

City, State Zip: RENO, NV 89501

Plaintiff: USSC HOLDINGS CORP., ET AL.

Defendant: TK PRODUCTS, LLC, ET AL.

Representing: Defendant Case Number: 3:16-CV-00398-RCJ-WGC

Court: UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA

Hearing Date: 10/20/16 09:00AM Status: 10/01/16 Last Day to Serve: 10/05/16 Last Day to Sub:

Serve Docs To: LIVESPARK, INC., CUSTODIAN OF RECORDS, BY SERVING NEVADA LEGAL FORMS & TAX SERVICES, INC., REGISTERED AGENT

Description: Race: , Sex: , Age: , Hair: , Eyes: , Height: , Weight:

Addresses: **Business, 09/26/16**
 3901 W CHARLESTON BLVD
 Las Vegas, NV 89102
 IS RA. ADVANCED \$44.86. LAST DAY 10/5.

Documents: SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION; FEDERAL RULE OF CIVIL PROCEDURE; DECLARATION OF CUSTODIAN OF RECORDS; LETTER; \$44.86 WITNESS FEE CHECK

Loc	Date	Time	Server	Code	Comments
	09-27-16	14:00	DEB		Stephanie Cervantes Fremont

Manner: ☐ (B) Completed ☐ (F) FILED ☐ (I) Incomplete ☐ (P) Personal Service
☐ (D) Delivered ☐ (G) Certified Mail CCP 415.16 ☐ (J) ☐ (R) Returned Not Served
☐ (E) Recorded ☐ (H) Faxed ☐ (I) residence suitable person ☐ (S) Substituted Service

Date Served: 09/27/16 Time Served: (Military) 1400 Served By: DEB

Served At: B [H]ome, [B]usiness, or [U]sual Place of Mailing [X] For Changes Above in Address Boxes.

(3.b.) Person Served DEB Witness Fees: \$

Race: H, Sex: F, Age: 30, Hair: Brn, Eyes: Brn, Height: 5'6, Weight: 150

Relationship Fremont (3.b.) By Leaving Copies With Stephanie Cervantes

Mailed From Mailed Date Time

5019400.504528

1 ROBERT A. DOTSON
Nevada State Bar No. 5285
2 DOTSON.LAW
One East First Street
3 City Hall Tower, Ste. 1600
Reno, Nevada 89501
4 Tel: (775) 501-9400
5 Email: rdotson@dotsonlaw.legal

6 BRIAN D. CHENOWETH, *pro hac vice*
SANDRA S GUSTITUS, *pro hac vice*
7 CHENOWETH LAW GROUP PC
510 SW 5th Ave 5th Fl
8 Portland, OR 97204
Tel: (503) 221-7958
9 Fax: (503) 221-2182
10 Email: brian@northwestlaw.com
sgustitus@northwestlaw.com

11 Attorneys for Defendants

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 USSC HOLDINGS CORP., a Nevada
15 corporation, MUSIC CITY FIRE CO., a Nevada
16 corporation, ROBERT J. BUCKLEY, an
individual, and STEVE PALADINO, an
17 individual,

Plaintiffs,

18 vs.

19 FK PRODUCTS, LLC, an Oregon limited
20 liability company, KURT O. BAUER, an
individual, TRENT C. FARRER, an individual,
21

22 Defendants.

Case No.: 3:16-cv-00398-RCJ-WGC

23 NOTICE OF
24 SUBPOENA DUCES TECUM

25 PLEASE TAKE NOTICE that Defendants FK PRODUCTS, LLC, KURT O. BAUER, and
26 TRENT FARRER, by and through their counsel of record, DOTSON LAW and CHENOWETH
27 LAW GROUP PC, have issued a Subpoena Duces Tecum ("Subpoena") requesting records from the
following entity: Livespark, Inc. A copy of the Subpoena we intend to serve on Livespark, Inc. is
28 attached hereto as Exhibit 1.

DOTSON LAW
One East First Street
City Hall Tower, Ste. 1600
Reno, Nevada 89501

EXHIBIT 3
WIT: COP Livespark
DATE: 1/5/17
GINA DI LUZIO

Copies of the documents produced will be made available upon request.

DATED this 23 day of September, 2016.



ROBERT A. DOTSON
Nevada State Bar No. 5285
DOTSON LAW
One East First Street
City Hall Tower, Ste. 1600
Reno, Nevada 89501
Tel: (775) 501-9400
Email: rdotson@dotsonlaw.legal

BRIAN D. CHENOWETH, *pro hac vice*
SANDRA S GUSTITUS, *pro hac vice*
CHENOWETH LAW GROUP PC
510 SW 5th Ave 5th Fl
Portland, OR 97204
Tel: (503) 221-7958
Fax: (503) 221-2182
Email: brianc@northwestlaw.com
sgustitus@northwestlaw.com

Attorneys for Defendants

DOTSON LAW
ONE EAST FIRST STREET
CITY HALL TOWER STE 1600
RENO, NEVADA 89501

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of DOTSON LAW, and that on this date, I caused to be served a true and correct copy of the foregoing by:

- ☒ (BY MAIL) on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Dotson Law, mail placed in that designated area is given the correct amount of postage and is deposited that same date in the ordinary course of business, in a United States mailbox in the City of Reno, County of Washoe, Nevada.
- ☐ By electronic service by filing the foregoing with the Clerk of Court using the CM/ECF system, which will electronically mail the filing to the following individuals.
- ☐ (BY PERSONAL DELIVERY) by causing a true copy thereof to be hand delivered this date to the address(es) at the address(es) set forth below.
- ☐ (BY FACSIMILE) on the parties in said action by causing a true copy thereof to be telecopied to the number indicated after the address(es) noted below.
- ☐ Reno/Carson Messenger Service.
- ☒ By email to the email addresses below.

addressed as follows:

Matthew D. Francis
 Ryan J. Cudnik
 Brownstein Hyatt Farber Schrek, LLP
 5371 Kietzke Lane
 Reno, NV 89511
mfrancis@bhfs.com
rcudnik@bhfs.com

Attorneys for Plaintiffs

DATED this 23 day of September, 2016.


 L. MORGAN BOGUMIL

INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION	PAGES
1	Subpoena Duces Tecum	7

BOHNSHAW
 100 EAST 12TH STREET
 CHICAGO, ILLINOIS 60604
 TEL: 312.555.8200

EXHIBIT 1

EXHIBIT 1

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

USSC HOLDINGS CORP., et al.

Plaintiff

v.

TK PRODUCTS, LLC, et al.

Defendant

Civil Action No. 3:16-cv-00398-RCJ-WGC

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Custodian of Records of Livespark, Inc.

c/o Nevada Legal Forms & Tax Services, Inc., 3901 W Charleston Blvd, Las Vegas, NV 89102

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Laxalt & Nomura, Ltd.
6720 Via Austi Parkway, Ste 430
Las Vegas, NV 89119

Date and Time:

10/20/2016 9:00 am

The deposition will be recorded by this method: Stenographically

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Exhibit A attached hereto

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

9/13/16

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants TK Products, LLC, Kurt O. Bauer and Trent C. Farrer, who issues or requests this subpoena, are: Robert Dotson, Dotson Law, 1 East 1st St., Ste 1600, Reno, NV 89501; (775) 501-9400; rdotson@dotsonlaw.legal

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 3:16-cv-00398-RCJ-WGC

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☒ I served the subpoena by delivering a copy to the named individual as follows:

_____ on *(date)* _____ of _____.

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(e);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

EXHIBIT A

DEFINITIONS

A. "Communication" or "Communications" means any act or process of communicating, the imparting or interchange of thoughts, opinions or information by speech, writing, or signs, including telephone calls, text messages, emails, letters, voice messages, and other correspondence.

B. "Document" or "Documents" mean all writings, of any form, kind, character or description including, but not limited to: the original and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise; correspondence; letters; memoranda; notes; diaries; statistics; telegrams; emails; minutes; transcripts; contracts; agreements; reports; studies; checks; statements; receipts; returns; summaries; pamphlets; books; manuals; prospecti; inter-office and intra-office communications; offers; notations of any sort of conversation, telephone calls, meetings or other communications; bulletins; pamphlets; circulars; printed matter; invoices; worksheets; pleadings; motions; legal memoranda; all drafts, alterations, modifications, changes, and amendments of any of the foregoing; questionnaires; opinions; statements; graphic and oral reproductions of any kind, including, without limitation, photographs, charts, microfilm, computer software, and electronic recordings, such as tapes, diskettes, or cassettes or any tangible thing, however produced or reproduced.

C. "Livespark" refers to "Livespark, Inc." and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Livespark and its related business entities.

D. "Buckley" refers to "Robert Buckley" and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Robert Buckley and his related business entities.

E. "Paladino" refers to "Steve Paladino" and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Steve Paladino and his related business entities.

F. "Music City" refers to "Music City Fire Company" and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of Music City and its related business entities.

G. "USSC" refers to "USSC Corp." and shall also be deemed to mean every agent, representative, attorney, employee, former employee, officer, independent contractor, subcontractor, and consultant of USSC and its related business entities.

H. "Related to" or "relating to" means directly, indirectly, or in any way concerning, referring to, alluding to, responding to, regarding, describing, explaining, discussing, reflecting, analyzing, or commenting upon.

I. "Sound-reactive products" refers to any product that uses sound-reactive technology, whether developed, created, drafted, complete, or incomplete.

DOCUMENTS REQUESTED

1. All documents related to any communications between Livespark and USSC.
2. All documents related to any communications between Livespark and Buckley.
3. All documents related to any communications between Livespark and Paladino.
4. All documents related to any communications between Livespark and Music City.
5. All documents related to any communications between Livespark and Geoff Foreman.
6. All documents related to Livespark's efforts to build, develop, market, or sell, as a retail consumer product, a fire pit that reacts to the sound of music.
7. All documents related to any payments Livespark received from Music City, Buckley, Paladino, or USSC.
8. All documents related to Livespark's business relationship with Music City,

Buckley, Paladino, or USSC, including but not limited to, any agreement (whether final agreement, draft, proposed agreement, or revised agreement).

9. All documents related to the distribution, sale, or gift by Livespark to distributors, retailers, customers, or resellers of sound-reactive products.

10. All documents related to any Defendant: Farrer, Bauer, or TK Products, LLC.

11. All documents related to any Plaintiff: USSC, Music City, Buckley, or Paladino.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 USSC HOLDINGS CORP., a Nevada)
4 corporation, MUSIC CITY FIRE)
5 CO., a Nevada corporation,)
6 ROBERT J. BUCKLEY, an)
individual, and STEVE PALADINO,)
an individual,)

CASE NO.: 3:16-cv-00398-
RCJ-WGC

7)
8 Plaintiffs,)

9 vs.)

10 TK PRODUCTS, LLC, an Oregon)
11 limited liability company,)
KURT O. BAUER, an individual,)
TRENT C. FARRER, an individual,)

12 Defendants.)
13)
14)

15 CERTIFICATE OF NONAPPEARANCE

16 DEPOSITION OF COR FOR LIVESPARK, INC.

17 LAS VEGAS, NEVADA


18 THURSDAY, OCTOBER 20, 2016
19
20
21

22 REPORTED BY: GINA DILUZIO, RPR, CCR #833
23 JOB NO. 347687
24
25

NONAPPEARANCE OF COR FOR LIVESPARK, INC. - 10/20/2016

<p style="text-align: right;">Page 2</p> <p>1 CERTIFICATE OF NONAPPEARANCE, DEPOSITION OF COR FOR</p> <p>2 LIVESPARK, INC., taken at Laxalt & Nomura, Ltd., 6720 Via</p> <p>3 Austi Parkway, Suite 430, Las Vegas, Nevada, on Thursday,</p> <p>4 October 20, 2016, at 9:10 a.m., before Gina DiLuzio,</p> <p>5 Certified Court Reporter, in and for the State of Nevada.</p> <p>6</p> <p>7 APPEARANCES:</p> <p>8 For the Defendants:</p> <p>9 DOTSON LAW</p> <p>10 BY: ROBERT A. DOTSON, ESQ. (via telephone)</p> <p>11 1 East First Street</p> <p>12 Suite 1600</p> <p>13 Reno, Nevada 89051</p> <p>14 (775) 501-9400</p> <p>15 rdotson@dotsonlaw.legal</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 20, 2016</p> <p>2 9:10 A.M.</p> <p>3 -oOo-</p> <p>4 Thereupon--</p> <p>5 MR. DOTSON:: Let the record reflect this is --</p> <p>6 well, actually, the time now is 9:10, which is ten minutes</p> <p>7 after the time noticed for the deposition of the custodian</p> <p>8 of records for Livespark, Inc., which was served for this</p> <p>9 deposition on Tuesday, September 27.</p> <p>10 There has been no person, the custodian, or</p> <p>11 otherwise that has appeared. And I would represent for the</p> <p>12 Court, my name is Robert Dotson. I am counsel for</p> <p>13 Defendants in this action. And that this matter has been</p> <p>14 properly noticed.</p> <p>15 In further evidence of that, I have asked the</p> <p>16 court reporter to mark three items as exhibits. Exhibit 1</p> <p>17 will be the Subpoena To Testify At A Deposition In A Civil</p> <p>18 Action issued by the United States District Court, signed by</p> <p>19 myself on September 23, 2016.</p> <p>20 And the second -- which also included an</p> <p>21 Exhibit A with definitions and documents sought.</p> <p>22 Exhibit 2 is the Proof Of Service, which was</p> <p>23 executed by Donald Edward Bradbury or, at least, so it would</p> <p>24 appear, and which indicates that Livespark was served</p> <p>25 through their custodian -- or was served by the custodian of</p>
<p style="text-align: right;">Page 3</p> <p>1 E X H I B I T S</p> <p>2 NUMBER MARKED</p> <p>3 Exhibit 1 Subpoena To Testify At A 6</p> <p>4 Deposition In A Civil Action</p> <p>5 Exhibit 2 Proof Of Service and Legal 6</p> <p>6 Wings Work Order</p> <p>7 Exhibit 3 Notice Of Subpoena Duces Tecum 6</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 records subpoena by serving the Nevada Legal Forms & Tax</p> <p>2 Services, Inc., Registered Agent, and, in particular,</p> <p>3 Stephanie Cervantes, who was at the front desk.</p> <p>4 Also included with an exhibit -- and that</p> <p>5 occurred on September 27, 2016, at, approximately,</p> <p>6 2:00 p.m., at least, so says the Proof Of Service. The --</p> <p>7 also included within Exhibit 2 is a Legal Wings Work Order</p> <p>8 related to the service of this process.</p> <p>9 And Exhibit 3 I've asked to be marked the</p> <p>10 Notice Of Subpoena Duces Tecum, which was served upon</p> <p>11 opposing counsel, who -- for the record, has been notified</p> <p>12 not only through the notice, but we have discussed</p> <p>13 telephonically and via e-mail this deposition.</p> <p>14 And he's asked to be included if a witness</p> <p>15 appeared, which, obviously, one did not. And I have</p> <p>16 notified him that I would conduct this nonappearance</p> <p>17 assuming that no witness appeared. The individual which</p> <p>18 whom I've been speaking is Matthew Francis.</p> <p>19 Ms. Reporter, just to confirm, there's no one</p> <p>20 present in the room other than yourself at this point?</p> <p>21 THE COURT REPORTER: Right. You're right.</p> <p>22 MR. DOTSON: That being the case and it now</p> <p>23 being approximately 9:13, that will conclude this deposition</p> <p>24 and confirming the nonappearance of the witness.</p> <p>25 (Whereupon, the proceedings were concluded at</p>

NONAPPEARANCE OF COR FOR LIVESPARK, INC. - 10/20/2016

1 9:13 a.m.)	Page 6
2 (Exhibits 1 through 3 marked.)	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
1 REPORTER'S CERTIFICATE	Page 7
2 STATE OF NEVADA)	
3) ss:	
4 COUNTY OF CLARK)	
5 I, Gina DiLuzio, a Certified Court Reporter, do	
6 hereby certify:	
7 That I reported in shorthand (Stenotype) the	
8 proceedings had in the above-entitled matter at the place	
9 and date indicated.	
10 That I thereafter transcribed my said shorthand	
11 notes into typewriting, and that the typewritten transcript	
12 is a complete, true and accurate transcription of my said	
13 shorthand notes.	
14 IN WITNESS WHEREOF, I have set my hand in my	
15 office in the County of Clark, State of Nevada, this 30th	
16 day of October, 2016.	
17 	
18 GINA DILUZIO, RPR, CCR #833	
19	
20	
21	
22	
23	
24	
25	

NONAPPEARANCE OF COR FOR LIVESPARK, INC. - 10/20/2016


Exhibits	actually 4:6	D	further 4:15	notice 5:10,12
	after 4:7			noticed 4:7,14
EXHIBIT-00001 3:3 4:16	Agent 5:2	Defendants 4:13	I	notified 5:11, 16
EXHIBIT-00002 3:4 4:22 5:7	also 4:20 5:4,7	definitions 4:21	included 4:20 5:4,7,14	O
EXHIBIT-00003 3:6 5:9	appear 4:24	deposition 4:7, 9,17 5:13,23	indicates 4:24	obviously 5:15
	appeared 4:11 5:15,17	desk 5:3	individual 5:17	occurred 5:5
	approximately 5:5,23	discussed 5:12	issued 4:18	OCTOBER 4:1
1	assuming 5:17	District 4:18	items 4:16	one 5:15,19
1 4:16	B	documents 4:21	L	only 5:12
	being 5:22,23	Donald 4:23	LAS 4:1	opposing 5:11
2	Bradbury 4:23	Dotson 4:5,12 5:22	least 4:23 5:6	Order 5:7
2 4:22 5:7	C	Duces 5:10	Legal 5:1,7	otherwise 4:11
20 4:1		E	Let 4:5	P
2016 4:1,19 5:5	case 5:22	e-mail 5:13	Livespark 4:8, 24	p.m. 5:6
23 4:19	Cervantes 5:3	Edward 4:23	M	particular 5:2
27 4:9 5:5	Civil 4:17	evidence 4:15	mark 4:16	person 4:10
2:00 5:6	conclude 5:23	executed 4:23	marked 5:9	point 5:20
	concluded 5:25	exhibit 4:16, 21,22 5:4,7,9	matter 4:13	present 5:20
3	conduct 5:16	exhibits 4:16	Matthew 5:18	proceedings 5:25
3 5:9	confirm 5:19		minutes 4:6	process 5:8
	confirming 5:24	F	N	Proof 4:22 5:6
9	counsel 4:12 5:11	Forms 5:1	name 4:12	properly 4:14
9:10 4:2,6	court 4:12,16, 18 5:21	Francis 5:18	Nevada 4:1 5:1	R
9:13 5:23	custodian 4:7, 10,25	front 5:3	nonappearanc e 5:16,24	record 4:5 5:11
A				records 4:8 5:1
A.M. 4:2				
action 4:13,18				

NONAPPEARANCE OF COR FOR LIVESPARK, INC. - 10/20/2016

Index: reflect..yourself

reflect 4:5	5:13	Work 5:7	
Registered 5:2	ten 4:6		
related 5:8	Testify 4:17	Y	
reporter 4:16 5:19,21	than 5:20	yourself 5:20	
represent 4:11	their 4:25		
Robert 4:12	Thereupon-- 4:4		
room 5:20	three 4:16		
S	through 4:25 5:12		
says 5:6	THURSDAY 4:1		
second 4:20	time 4:6,7		
September 4:9,19 5:5	Tuesday 4:9		
served 4:8,24, 25 5:10	U		
service 4:22 5:6,8	United 4:18		
Services 5:2	V		
serving 5:1	VEGAS 4:1		
signed 4:18	via 5:13		
sought 4:21	W		
speaking 5:18	whereupon 5:25		
States 4:18	whom 5:18		
Stephanie 5:3	will 4:17 5:23		
subpoena 4:17 5:1,10	Wings 5:7		
T	within 5:7		
Tax 5:1	witness 5:14, 17,24		
Tecum 5:10			
telephonically			

Litigation Services | 800-330-1112
www.litigationervices.com

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Custodian of Records of Livesparks, Inc. Nevada Legal Forms & Tax Services 3901 W Charleston Blvd Las Vegas, NV 89102		B. Received by (Printed Name)	C. Date of Delivery
 9590 9402 1465 5329 9190 00		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7016 0600 0000 9814 0545		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (0)	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

ADDRESS SERVICE REQUESTED

Custodian of Records of Livesparks, Inc.
c/o Nevada Legal Forms & Tax Services, Inc.
3901 W. Charleston Blvd.
Las Vegas, NV 89102



CHENOWETH
LAW GROUP P.C.
510 SW FIFTH AVENUE FIFTH FLOOR
PORTLAND OR 97204

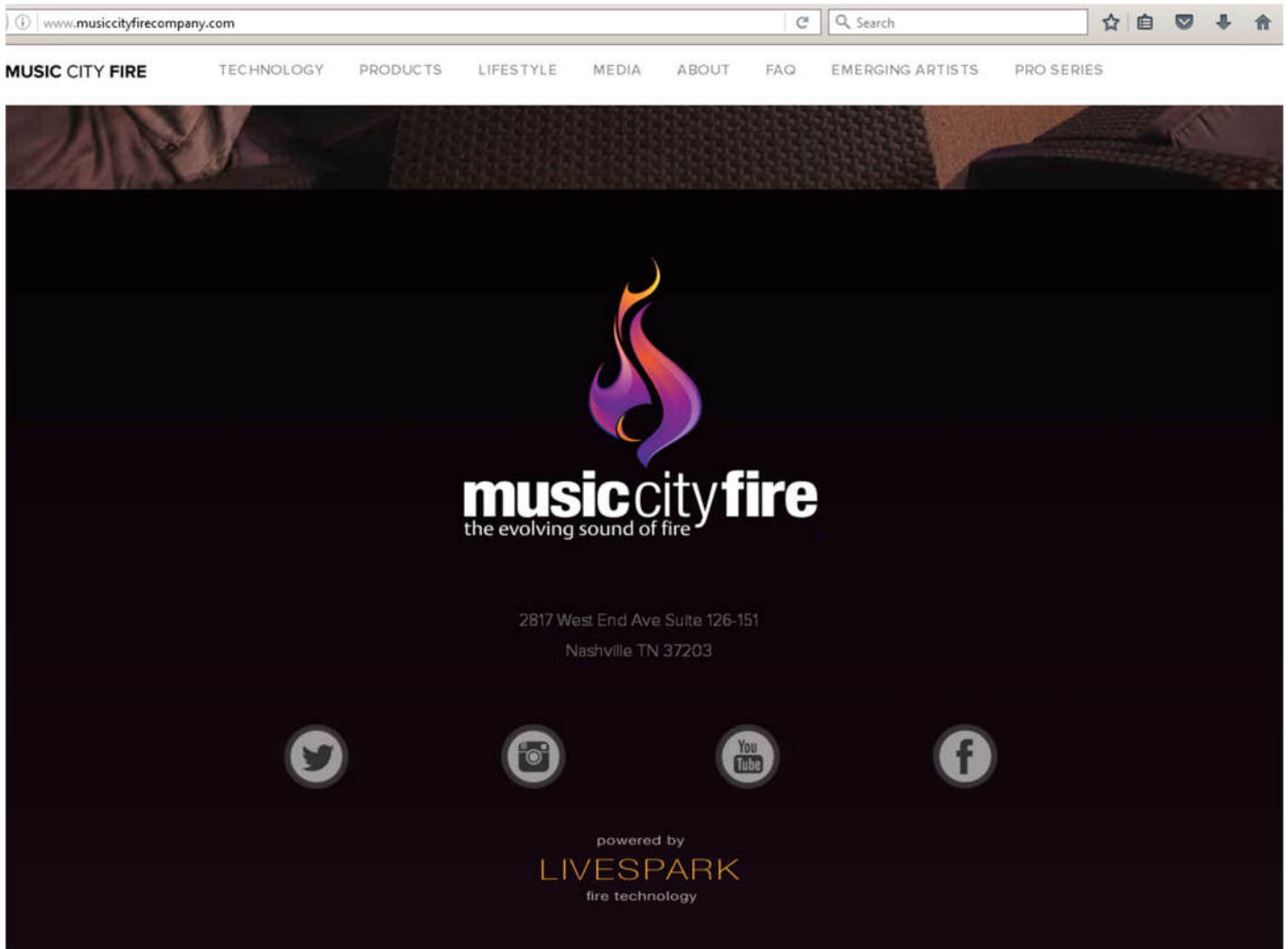
CERTIFIED MAIL



7016 0600 0000 9814 0545



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature </p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Custodian of Records of Livesparks, Inc. Nevada Legal Forms & Tax Services 3901 W Charleston Blvd LAS VEGAS, NV 89102</p>  <p>9590 9402 1465 5329 9190 00</p>		<p>B. Received by (Printed Name) <u>Stephen K. Kline</u> C. Date of Delivery <u>1/1/87</u></p>	
<p>2. Article Number (Transfer from service label)</p> <p>7016 0600 0000 9814 0545</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery (0)</p>			
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	



CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of CHENOWETH LAW GROUP PC, and that on this date; I caused to be served a true and correct copy of the foregoing document, **Declaration of Sandra S. Gustitus (Jan. 6, 2017)** by:

- ☐ (BY MAIL) on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Dotson Law, mail placed in that designated area is given the correct amount of postage and is deposited that same date in the ordinary course of business, in a United States mailbox in the City of Reno, County of Washoe, Nevada.
- ☒ By electronic service by filing the foregoing with the Clerk of Court using the CM/ECF system, which will electronically mail the filing to the following individuals.
- ☐ (BY PERSONAL DELIVERY) by causing a true copy thereof to be hand delivered this date to the address(es) at the address(es) set forth below.
- ☐ (BY FACSIMILE) on the parties in said action by causing a true copy thereof to be telecopied to the number indicated after the address(es) noted below.
- ☐ Reno/Carson Messenger Service.
- ☐ By email to the email addresses below.

addressed as follows:

Matthew D. Francis
Ryan J. Cudnik
Brownstein Hyatt Farber Schrek, LLP
5371 Kietzke Lane
Reno, NV 89511
mfrancis@bhfs.com
rcudnik@bhfs.com

Attorneys for Plaintiffs

DATED this 6th day of January, 2017.

/s/ Skylar Washabaugh
Skylar Washabaugh